

Exhibit G

Page 1

[1]
[2] UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
[3] _____X
[4] VIOLA PLUMMER,
[5] Plaintiff, 07 CV 6154
[6] -against-
[7] CHRISTINE QUINN, Speaker of the City Council,
[8] Defendant.
[9] _____X
[10] August 9, 2007
11:35 a.m.
[11]
[12]
[13]
[14] Deposition of BETSY GOTBAUM, taken
[15] by Plaintiff, at the offices of The New York
[16] City Law Department, Office of the Corporation
[17] Counsel, 100 Church Street, New York, New York
[18] 10007-2601, before Ira J. Goldberg, a Certified
[19] Shorthand Reporter and Notary Public within and
[20] for the State of New York.
[21]
[22]
[23]
[24] GREENHOUSE REPORTING, INC.
363 Seventh Avenue - 20th Floor
New York, New York 10001
[25] (212) 279-5108

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[1]
[2] APPEARANCES:
[3]
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Attorney for Plaintiff
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Brooklyn, New York 11216
[6]
[7]
[8] NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL
[9] Attorneys for Defendant and the Witness
100 Church Street
[10] New York, New York 10007-2601
BY: PAUL MARKS, ESQ.
[11] Deputy Chief, Labor & Employment Division
-and-
[12] BY: ERIC EICHENHOLTZ, ESQ.
[13]
[14] ALSO PRESENT:
[15] Viola Plummer (Appeared late)
[16] Alvin L. Bragg, Jr., Esq.
Chief of Litigation & Investigations
[17] New York City Council
Office of the General Counsel
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[20] Brian J. Kaszuba, Esq.
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New York, New York 10007
[23]
[24]
[25]

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[1]
[2] STIPULATIONS
[3]
[4] IT IS HEREBY STIPULATED AND AGREED,
[5] by and between the attorneys for the
[6] respective parties hereto, that all
[7] objections, except as to form, shall be
[8] reserved to the time of trial.
[9] IT IS FURTHER STIPULATED AND AGREED
[10] that the sealing and filing of the within
[11] deposition are hereby waived.
[12] IT IS FURTHER STIPULATED AND AGREED
[13] that the within deposition may be
[14] subscribed and sworn to by the witness
[15] being examined before a Notary Public
[16] other than the Notary Public before whom
[17] this deposition was begun.
[18]
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[1]
[2] BETSY GOTBAUM, stating a business address of
[3] 1 Centre Street, New York, New York 10007,
[4] having been duly sworn by the Notary
[5] Public, was examined and testified as
[6] follows:

EXAMINATION

BY MR. WAREHAM:

[9] **Q:** Good morning. How would you prefer
[10] to be addressed, Miss, Ms. or Mrs.?

[11] **A:** Betsy.

[12] **Q:** Okay, a little informal.
[13] My name is Roger Wareham. I
[14] represent the plaintiff Viola Plummer in this
[15] action.

[16] There are certain rules that attend
[17] depositions. Have you ever been deposed before?

[18] **A:** Yes.

[19] **Q:** As you have already been sworn in,
[20] your testimony is under oath.

[21] It is important that your answers be
[22] verbal, as opposed to visual.

[23] **A:** Yes.

[24] **Q:** And if I ask a question, if you are
[25] not clear about it in terms of understanding

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[2] either form or content, just say that. Or if I
[3] ask a question you don't know the answer to, you
[4] can just say, "I don't know."

[5] I don't anticipate this is going to
[6] be very long, but if you need a break or if the
[7] reporter needs a break, anyone needs a break, we
[8] can do that.

[9] After this you will get a chance to
[10] review the transcript.

[11] And I guess I need to ask you, Have
[12] you taken any medications today?

[13] **A:** No.

[14] **Q:** Yesterday?

[15] **A:** Well, I mean just what I take
[16] normally.

[17] **Q:** Do they have any effect in terms of
[18] your ability to participate clearly?

[19] **A:** No.

[20] **Q:** What is your position in New York
[21] City Government?

[22] **A:** New York City's Public Advocate.

[23] **Q:** How long have you been the Public
[24] Advocate?

[25] **A:** Since 2002, I was sworn in.

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[1]
[2] **Q:** And in general what are the duties
[3] of the Public Advocate?

[4] **A:** Well, one of the duties is to
[5] preside over the City Council. The others are
[6] to be the city's ombudsman, or woman, and to
[7] have oversight over the programs of the city, as
[8] opposed to the fiscal policies.

[9] **Q:** Is this an elected position?

[10] **A:** Yes, it is, citywide elected
[11] position.

[12] **Q:** And if you know, where does the
[13] authority for the Public Advocate come from?

[14] **A:** From the charter. It comes from the
[15] charter, I guess established, or re-established
[16] in 1989. The office was created in 1989.

[17] **Q:** That's the New York City Charter?

[18] **A:** Yes, New York City Charter.

[19] **MR. WAREHAM:** Can we mark this.

[20] This would be Plaintiff's 1.

[21] (Plaintiff's Exhibit 1, copy of
[22] excerpt of New York City Charter, marked
[23] for identification.)

[24] **Q:** I am showing you a copy of an
[25] excerpt from the Charter marked Plaintiff's

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[2] Exhibit 1, marked New York City Charter, which
[3] includes Chapter 2 of the Charter that addresses
[4] the question of the issue of the City Council.

[5] Does that look familiar to you?

[6] **A:** Yes. I mean, I haven't read it in a
[7] long time. I have looked at it, but I haven't
[8] read it in a long time. It looks familiar,
[9] though.

[10] **Q:** That's the legislative document that
[11] the Charter derives its authority from.

[12] **A:** I see.

[13] **Q:** Under the Charter, does the Charter
[14] give particular responsibilities to the Public
[15] Advocate vis-a-vis the City Council?

[16] **A:** Let me just finish looking at it.
[17] (Pause in the proceedings.)

[18] **MR. WAREHAM:** Off the record.

[19] (Discussion held off the record.)

[20] **A:** I mean as much as —

[21] **Q:** Sure. Let me just go back one
[22] second.

[23] **A:** Sure.

[24] **Q:** In terms of background, you said you
[25] have been Public Advocate since 2002.

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[1] **A:** Yes.
[2] **Q:** What positions did you occupy before
[3] that?
[4] **A:** Before that I was president of the
[5] New York Historical Society for seven and a half
[6] years. Prior to that I was Parks Commissioner
[7] for New York City. Prior to that I was in a
[8] venture capital firm. Prior to that I ran New
[9] York City Police Foundation. Prior to that —
[10] Do you want me to go back further?
[11] **Q:** No. Your educational background?
[12] **A:** I have a master's in history — in
[13] education, I am sorry. And I have a bachelor's
[14] in history.
[15] **Q:** Can you just for the record indicate
[16] what are the responsibilities of the Public
[17] Advocate from the Charter vis-a-vis the City
[18] Council.
[19] **A:** Well, the responsibilities are that
[20] I have to provide a report in, I think towards
[21] the end of October of every year, about the
[22] various activities of the office, in particular
[23] the office of the ombudsman; the reports over
[24] various, I think over various agencies or

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[1] policies of agencies. In this report, also a
[2] report on the legislation that I have
[3] introduced, because I can introduce legislation
[4] in the City Council.
[5] And I can sit on any of the City
[6] Council meetings, I can attend any committee
[7] meetings. I do not have a vote in the Council,
[8] but I have all those other privileges.
[9] And if I have left anything out you
[10] can remind me.
[11] **Q:** What responsibility, if any, do you
[12] have at the stated meetings of the Council?
[13] **A:** I preside over the Council. And
[14] that changed. That actually I think was in the
[15] Charter originally and that was changed by an
[16] amendment to the Charter in 2002. There was a
[17] Charter Revision Commission that removed Public
[18] Advocate from presiding over the local
[19] legislature, and that provision — but there was
[20] some question, again I am not clear on the
[21] legalities on the law of all this, but there was
[22] some question as to even though in the Charter
[23] the Public Advocate was removed from that
[24] particular function, there were some questions

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[1] as to whether that was exactly right. I am not
[2] sure, there was some state law that could have
[3] been brought in, I don't — it was very, very
[4] confusing.
[5] At any rate, at that point in 2002,
[6] the Speaker then appointed me to continue
[7] presiding over the Council, and that has
[8] continued ever since.
[9] **Q:** That has continued?
[10] **A:** Yes. And there is this question
[11] which frankly we have not really pursued looking
[12] at, that there is some state, some state statute
[13] or state law that —
[14] **Q:** And you said you can attend all
[15] legislative meetings?
[16] **A:** I can attend all Council committee
[17] meetings, yes. And I can introduce legislation.
[18] **Q:** And introduce legislation, all
[19] right.
[20] Are you familiar with the Rules of
[21] the Council, the City Council Rules?
[22] **A:** Yeah, most of them. I mean, some of
[23] them. I am certainly familiar with the rules
[24] when they are in session, the stated meetings.

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[1] I wouldn't know the rules, you know, details of
[2] every rule of the Council.
[3] **MR. WAREHAM:** I would like to mark
[4] this as Plaintiff's 2.
[5] (Plaintiff's Exhibit 2, document
[6] entitled "Rules of the Council," marked
[7] for identification.)
[8] (Pause in the proceedings.)
[9] **MR. MARKS:** Off the record.
[10] (Discussion held off the record.)
[11] **MR. WAREHAM:** Back on the record.
[12] **Q:** To your understanding, under the
[13] Rules, in the event of any sort of disruption,
[14] who has the authority to restore order?
[15] **MR. MARKS:** You are talking about at
[16] a Council's meeting, at a stated meeting,
[17] just generally?
[18] **A:** Starting with the sergeant at arms
[19] being called upon by either the person who is
[20] presiding, which in that case would be me, or
[21] the Speaker, as far as I know, but it is the
[22] sergeant at arms who actually carries out.
[23] **Q:** Can a sergeant at arms act
[24] independently, or he gets direction?

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- [1] **A:** No, gets direction, and gets
[2] direction from either me or the Speaker.
[3] **Q:** When you are the presiding officer
[4] can the Speaker also give directions to the
[5] sergeant at arms?
[6] **A:** Yes.
[7] **Q:** And to your knowledge, what steps
[8] can the presiding officer take if there is some
[9] disruption at a stated meeting?
[10] **A:** The gavel and "Quiet."
[11] **Q:** Anything else?
[12] **A:** And ultimately to say, "I will have
[13] to have you removed if the disturbance still
[14] continues."
[15] **Q:** Does the presiding officer have the
[16] authority, in a situation where the disruptive
[17] person is a staff member, does the presiding
[18] officer have the authority to discipline that
[19] staff member?
[20] **A:** I assume so, but I wouldn't know. I
[21] assume so.
[22] **Q:** To you your understanding, is the
[23] City Council a legislative body, or city agency?
[24] **A:** Legislative body.
[25]

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- [1] **Q:** In preparation for this deposition
[2] today did you review any documents?
[3] **A:** Just the transcript of the Council
[4] meeting.
[5] **Q:** Of May 30th?
[6] **A:** Yes, if that was the date. I am
[7] sorry.
[8] **Q:** Well —
[9] **A:** I think, yes. I don't remember the
[10] exact date. We have had several meetings
[11] since.
[12] **Q:** Have you presided over all of the
[13] stated Council meetings since 2002?
[14] **A:** Yes, with a few, maybe two absences,
[15] three absences, because of vacation. Or
[16] actually have been only four absences, maybe
[17] more.
[18] Yes, the answer is yes, I am sorry.
[19] **Q:** And on an annual basis there are
[20] approximately how many stated Council meetings?
[21] **A:** Well, there are two a month, except
[22] in July and August. And I honestly don't
[23] remember which years we have had one or two in
[24] July or August, so I can't accurately answer
[25]

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- [1] that.
[2] And we also have had meetings that
[3] weren't scheduled, but they were scheduled for a
[4] reason. Like this last week we had one for one
[5] morning because I think there was some land use
[6] issues that had to be dealt with. So I don't
[7] remember how many of those we have had.
[8] **Q:** Sure, all right. Let me bring your
[9] attention to the stated Council meeting of
[10] May 30th, 2007.
[11] **A:** Thank you.
[12] **Q:** Do you remember what the agenda was
[13] for that meeting?
[14] **A:** Yes.
[15] **Q:** Just give me —
[16] **A:** Well, the full agenda, I mean I
[17] remember, I remember there was one particular
[18] item at the agenda which I do remember, which
[19] was the naming of streets. There was a block of
[20] them like that.
[21] **Q:** Prior to any stated meeting what
[22] preparation is involved on your part?
[23] **A:** Not, not very much. I mean,
[24] sometimes one of the staff members will come and
[25]

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- [1] say there is a particular thing happening that
[2] we need to deal with, or sometimes occasionally
[3] the Speaker will ask me to come in and we will
[4] discuss something that might be happening.
[5] **Q:** Prior to the May 30th meeting did
[6] that happen?
[7] **A:** Yes.
[8] **Q:** And what was brought to your
[9] attention?
[10] **A:** Just brought to my attention there
[11] might be some disruptions and that I should be
[12] prepared to use the gavel and to call for order,
[13] to call for order. And on other occasions the
[14] Speaker has done that.
[15] **Q:** This isn't the first time that this
[16] has been brought to your attention?
[17] **A:** No, no.
[18] **Q:** Do you remember who brought that to
[19] your attention, that there might be disruptions?
[20] **A:** I don't remember if the Speaker or
[21] chief of staff or some other staff people in
[22] there, or staff person, a position I don't know
[23] the formal name of, and he usually tells me the
[24] procedure. He is the procedural guy of the
[25]

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[1] Council.
[2] **Q:** And you don't remember who?
[3] **A:** No, I don't.
[4] **Q:** He is from the Speaker's office?
[5] **A:** Yes.
[6] **Q:** And what was told to you what the
[7] nature of the disruption might be?
[8] **A:** Well, that there, that there, there
[9] had been word that there would be disruptions of
[10] people who were upset about the particular
[11] street naming that was being discussed at that
[12] time and that there might be some disruptions
[13] and I should be prepared for them, that's all.
[14] And by the way, the week before,
[15] there had been, over a completely different
[16] item, there was some similar disruption and it
[17] was kind of brought to my attention that I
[18] should be more aggressive than I had been the
[19] week before, if necessary.
[20] **Q:** On a different item?
[21] **A:** A totally different. The
[22] circumstances were completely different. It was
[23] just, I think, kind of just letting me know what
[24] had been going on.
[25]

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[1] I had a knee operation, by the way,
[2] so the week before I had been a little bit
[3] groggy, I should say, and I was on medication
[4] the week before.
[5] **Q:** You mean it was the week before, or
[6] the prior stated meeting?
[7] **A:** The prior stated meeting, excuse me.
[8] **Q:** What was the nature of the
[9] disruptions in that meeting, if you remember?
[10] **A:** I think it was about the pedicabs,
[11] and there was another issue but I don't remember
[12] what it was. But it was definitely about the
[13] pedicabs.
[14] **Q:** And the disruption was from the
[15] gallery, from the floor?
[16] **A:** Only from the gallery — I mean from
[17] the balcony. I call the floor the gallery, and
[18] then the balcony, so we should be clear.
[19] **Q:** Not a problem. And during that
[20] meeting there had been disruptions. Did the
[21] work of the meeting get completed?
[22] **A:** Oh, yes.
[23] **Q:** So going into the meeting on
[24] May 30th you had been told there might be
[25]

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[1] disruptions, you needed to be more aggressive
[2] with the gavel?
[3] **A:** Well, I needed to be aware there
[4] would be more, there would be disruptions and
[5] that I should be prepared to be aggressive,
[6] would be the best word.
[7] **Q:** Was there any indication that there
[8] was going to be more security, police or
[9] anything?
[10] **A:** No, except for visually I could
[11] see. You know, there was nothing told. I was
[12] not told that.
[13] **Q:** Visually you could see what?
[14] **A:** There were more people there, were
[15] more people in the audience and up in the
[16] balcony than usual.
[17] **Q:** What about security, in terms of
[18] police, were you informed?
[19] **A:** I think there was uniformed police
[20] up in the balcony.
[21] **Q:** Is that normal at stated meetings?
[22] **A:** Not, not always, but it has happened
[23] at others. And you can imagine, after the
[24] councilman was shot there was extra security.
[25]

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[1] That was several years ago.
[2] **Q:** You don't remember whether you had
[3] any discussion with the Speaker prior to that
[4] meeting about what might happen at the May 30th
[5] meeting?
[6] **A:** You mean the spectator meeting
[7] before?
[8] **Q:** No, not the meeting before. Prior
[9] to the May 30th meeting.
[10] **A:** No, there was just a discussion in
[11] general about that there was some anticipated,
[12] more people coming, more crowds coming, there
[13] would be more disruptions basically.
[14] **Q:** And this was around the amendment of
[15] the Sonny Carson —
[16] **A:** Yes.
[17] **Q:** — proposed amendment?
[18] **A:** Yes.
[19] **Q:** As you remember today, how would you
[20] describe what happened that day once that issue
[21] came up, if you remember?
[22] **A:** What I do remember, what I really
[23] remember is that when council people, when the
[24] councilmen and women were working, there was a
[25]

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[1] lot of disruption from the gallery, which is
[2] very, very unusual, because there generally
[3] isn't any disruption from the gallery. It is
[4] always from the balcony. So that disruption I
[5] recall.

[6] **Q:** Can you be more specific? What do
[7] you recall in terms of the nature of the
[8] disruption?

[9] **A:** There was screaming and yelling.
[10] Screaming — no, I am sorry, excuse that.
[11] Yelling.

[12] **Q:** You are saying this was during the
[13] vote?

[14] **A:** After a councilperson would vote.
[15] There was some, there was some before, but I
[16] don't, you know, I don't remember. It was all
[17] around the discussion of the issue, let's put it
[18] that way.

[19] **Q:** And the yelling, was it coming from
[20] any particular —

[21] **A:** It was coming from the right, from
[22] my right, which would be the left side or the
[23] north side of the gallery.

[24] **Q:** And one person, two people?

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[1] **A:** I don't know. It was very hard to
[2] tell.

[3] **Q:** And at any point in time, what was
[4] your response when there was yelling?

[5] **A:** "Quiet, please." Bang, bang, bang.
[6] "Quiet, please."

[7] **Q:** What effect did that have?

[8] **MR. MARKS:** When you are saying
[9] "bang, bang, bang," that means the
[10] gavel?

[11] **THE WITNESS:** I was hitting the
[12] gavel.

[13] **Q:** As opposed to shooting the
[14] disrupter.

[15] **A:** I withdraw that. Yes, gaveled and
[16] was saying, "Quiet, please." And as it
[17] escalated, I said it more and gaveled harder.

[18] **Q:** When you say "escalated," escalated
[19] from the balcony, from the gallery?

[20] **A:** They were both, but it was more the
[21] gallery, more the gallery. It was very unusual
[22] to have it from the gallery. But it was also in
[23] the balcony, too. But I recall the thing that
[24] most impressed me was the gallery.

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[1] (Telephonic interruption.)

[2] **MR. EICHENHOLTZ:** She is here.

[3] **MR. WAREHAM:** Do you want us to stop
[4] until you return?

[5] **MR. EICHENHOLTZ:** No, you can keep
[6] going.

[7] (At this point Mr. Eichenholtz left
[8] the deposition room.)

[9] **Q:** In your experience had that happened
[10] before, where there were disruptions from the
[11] gallery?

[12] **A:** No, I don't think so. Not a hundred
[13] percent, but I really don't think so. Well,
[14] except that one, the shooting, which was in the
[15] balcony, but there was a lot of disruption. But
[16] that's an exceptional case.

[17] **Q:** And when you asked for quiet and you
[18] gaveled, what was the response from the gallery,
[19] do you remember?

[20] **A:** Well, immediate some subsiding of
[21] the yelling. But then another person would vote
[22] or there would be something else and it would
[23] come back again. It didn't stop. In other
[24] words, it didn't stop.

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[1] **Q:** If I understand you correctly, you
[2] are saying the response from the gallery was,
[3] whatever came out of the gallery seemed to be in
[4] response to presentations by different Council
[5] people when they voted?

[6] **A:** Yes, I think so. I think so.

[7] **Q:** I am just asking.

[8] **A:** Yes. Hard to know, because you
[9] couldn't really see, you know.

[10] **Q:** In response to the yelling from the
[11] gallery, did you speak to those persons, person
[12] or persons, who you thought were making that
[13] response and ask them particularly to be quiet?

[14] **A:** Yes. I mean, I didn't point. I
[15] couldn't. You have to understand, it is quite
[16] far away and I couldn't really see. There were
[17] lots of people around. So I would ask, yes,
[18] "Quiet, please. Please be quiet."

[19] **Q:** Did you direct the sergeant at arms
[20] to go to any people in particular and ask them
[21] to be quiet?

[22] **A:** No. At one point, I think it was
[23] towards the end, "If you aren't quiet, I will
[24] have to have you removed."

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- [1] **Q:** Do you remember whom you directed
[2] that towards?
[3] **A:** No. Well, I directed it towards
[4] whoever was making the noises, but I couldn't
[5] see who it was.
[6] **Q:** Was it the same people, or could you
[7] tell, or was it different people?
[8] **A:** In the gallery it seemed to be the
[9] same person, but I couldn't be 100 percent sure,
[10] but it seemed to be the same person, and I
[11] couldn't see who it was.
[12] **Q:** Did you at any point direct the
[13] sergeant at arms to actually go identify —
[14] **A:** No.
[15] **Q:** — who the person was?
[16] **A:** No.
[17] **Q:** And remove them?
[18] **A:** No.
[19] **Q:** Did you ever feel that meeting, the
[20] stated meeting, got out of control?
[21] **A:** No. It was noisy.
[22] **Q:** Did you ever feel a need to clear
[23] the chamber —
[24] **A:** No.
[25]

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- [1] **Q:** — because of the disruption?
[2] **A:** No. You threaten to do it.
[3] **Q:** During that meeting did the Speaker
[4] ever send you any message around trying to bring
[5] order to the meeting?
[6] **A:** No.
[7] **Q:** Did the Council complete its agenda
[8] that day, do you remember?
[9] **A:** Yes.
[10] **Q:** So with all the noise and
[11] everything, the work of the Council got
[12] completed?
[13] **A:** Yes, as far as I know.
[14] (At this point Mr. Eichenholtz
[15] returned with Viola Plummer.)
[16] **MR. WAREHAM:** Off the record a
[17] second.
[18] (Discussion held off the record.)
[19] **MR. WAREHAM:** Back on the record.
[20] **Q:** So to your recollection the Council
[21] finished its agenda for May 30th?
[22] **A:** Yes, to my recollection.
[23] **Q:** Whatever the disruptions were did
[24] not prevent the work from being completed?
[25]

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B. Gotbaum

- [1] **A:** No, not at all.
[2] **Q:** And does the Council normally
[3] complete its agenda at stated meetings?
[4] **A:** Yes.
[5] **Q:** During your, it is five years now as
[6] Public Advocate, approximately, if you remember,
[7] how many meetings have you presided over that
[8] dealt with the co-naming or renaming of streets?
[9] **A:** I don't recall, I don't remember.
[10] **Q:** Without remembering the exact
[11] amount, in your experience had there ever been a
[12] situation where a name had been taken out of a
[13] package that had been submitted?
[14] **A:** I don't remember.
[15] **Q:** Did you preside over the following
[16] two stated meetings after the May 30th one?
[17] **A:** Yes.
[18] **Q:** June 13th and June 27th?
[19] **A:** Oh, not including July, yes.
[20] **Q:** And to your recollection were there
[21] any disruptions at those meetings?
[22] **A:** No.
[23] **Q:** Do you know Mrs. Plummer? Are you
[24] familiar with her?
[25]

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B. Gotbaum

- [1] **A:** No, we don't know each other.
[2] **Q:** She is a former chief of staff of
[3] Charles Barron.
[4] **A:** That I know.
[5] **Q:** According to her position, she is
[6] still chief of staff.
[7] At some point were you made aware
[8] that there were plans to discipline Viola
[9] Plummer for her remarks concerning —
[10] **A:** Only from the newspaper.
[11] **Q:** You read it in the newspaper?
[12] **A:** Yes, I read it in the newspaper.
[13] **Q:** Do you remember approximately when?
[14] **A:** No. Are you kidding?
[15] **Q:** Did the Speaker or anyone from her
[16] office approach you —
[17] **A:** No.
[18] **Q:** — about that?
[19] **A:** No.
[20] **MR. MARKS:** You should let him ask
[21] the question completely before you
[22] answer.
[23] **Q:** Did anyone from the Speaker's office
[24] approach you about Ms. Plummer's behavior during
[25]

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[1] **B. Gotbaum**
[2] the stated meeting of May 30th?
[3] **A:** No.
[4] **Q:** When did you become aware that a
[5] lawsuit was filed challenging the Speaker's
[6] right to suspend and discipline Ms. Plummer?
[7] **A:** I don't remember. In the newspaper,
[8] from the newspaper.
[9] **Q:** From the newspapers?
[10] **A:** Yes.
[11] **Q:** Same question, did anyone from the
[12] Speaker's office approach you about to
[13] participate in that lawsuit?
[14] **A:** No.
[15] **Q:** Did anyone speak to you about, once
[16] again, Ms. Plummer's behavior at the May 30th
[17] stated meeting?
[18] **A:** No.
[19] **Q:** As Public Advocate is it your
[20] understanding that you have the authority to
[21] suspend staff members of individual Council
[22] members?
[23] **A:** I don't have that authority, no.
[24] **Q:** Is it your understanding that the
[25] Speaker has that authority?

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[1] **B. Gotbaum**
[2] **A:** I don't know. Sorry.
[3] **Q:** Have you ever heard the term
[4] "inherent powers of the Speaker"?
[5] **A:** No. I mean I know what it means.
[6] **Q:** What is your understanding of what
[7] that means?
[8] **A:** It means the power that would be
[9] derived to the Speaker because she or he is the
[10] Speaker, without being stated, in other words.
[11] **Q:** What do you mean by "without being
[12] stated"?
[13] **A:** Without being stated, probably.
[14] **Q:** In the statutory?
[15] **A:** In the statutory, yes.
[16] **Q:** Is it your understanding that the
[17] inherent powers of the Speaker extends to his
[18] ability or her ability to discipline staff of
[19] individual Council members?
[20] **A:** I don't know.
[21] **MR. WAREHAM:** I am almost done. Can
[22] we take a five-minute break.
[23] **MR. MARKS:** Sure.
[24] (Recess taken at 12:15 p.m. until
[25] 12:20 p.m.)

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[1] **B. Gotbaum**
[2] **Q:** Let me just take you back one
[3] second.
[4] **A:** Sure.
[5] **Q:** When you said prior to the May 30th
[6] meeting someone from the Speaker's office had
[7] contacted you that there might be disruptions —
[8] **A:** Yes.
[9] **Q:** — you said you just don't remember
[10] who it was. You don't remember the person's
[11] name, or you don't remember which person it was?
[12] **A:** Well, my office was called and I was
[13] asked to come over to the Speaker's office at
[14] some point before the meeting. And it wasn't
[15] directly before, it was some point before the
[16] meeting. And when I went to her office there
[17] were several people in there.
[18] **Q:** Okay.
[19] **A:** It probably was her chief of staff
[20] who may have said something, but I am not
[21] entirely sure, because there were at least three
[22] people, one of whom is the guru, I don't know
[23] what his title is, but he is the person who has
[24] all the procedural knowledge about what goes on
[25] in the Council, and it may have been him or it

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[1] **B. Gotbaum**
[2] may have been —
[3] **Q:** Mr. Meara?
[4] **A:** No, that's the chief of staff. Gary
[5] Altman is the person who is the procedural
[6] guru. It may have been Gary. I honestly don't
[7] remember.
[8] **Q:** He was at the meeting?
[9] **A:** No.
[10] **Q:** Do you remember them, Charles Meara,
[11] Gary Altman?
[12] **A:** Charles Meara, Gary, the Speaker. I
[13] don't remember.
[14] **THE WITNESS:** Were you there?
[15] **MR. KASZUBA:** No.
[16] **A:** It is sort of like routine.
[17] **Q:** It is just something you do?
[18] **A:** If you are called over, you go. It
[19] is collegial. We do it all the time. I mean,
[20] it happens all the time.
[21] **MR. WAREHAM:** I have no further
[22] questions.
[23] **MR. MARKS:** I have no questions for
[24] the witness.
[25] (Deposition concluded at 12:22 p.m.)

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[1]
[2]
[3] I, BETSY GOTBAUM, the witness herein, having
[4] read the foregoing testimony, do hereby certify
[5] it to be a true and correct transcript, subject
[6] to the corrections, if any, shown on the
[7] attached page.

[8]
[9]

[10]

[11]

BETSY GOTBAUM

[12]

[13] Subscribed and sworn to

[14] before me this ____ day

[15] of _____ 2007.

[16]

[17]

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

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[1]
[2] **CERTIFICATE**
[3] STATE OF NEW YORK)
[4]) :ss
[5] COUNTY OF NEW YORK)
[6] I, IRA J. GOLDBERG, a Certified
[7] Shorthand Reporter and Notary Public within and
[8] for the State of New York, do hereby certify:
[9] That BETSY GOTBAUM, the witness
[10] whose deposition is hereinbefore set forth, was
[11] duly sworn by me and that such deposition is a
[12] true record of the testimony given by such
[13] witness.

[14] I further certify that I am not
[15] related to any of the parties to this action by
[16] blood or marriage and that I am in no way
[17] interested in the outcome of this matter.

[18] In witness whereof, I have hereunto
[19] set my hand this 12th day of August 2007.

[20]

[21]

[22]

[23] **IRA J. GOLDBERG**

[24]

[25]

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Lawyer's Notes
